COLUMBUS PLAN COMMISSION SEPTEMBER 4, 2002 AT 4:00 P.M. COUNCIL CHAMBERS, CITY HALL 123 WASHINGTON STREET COLUMBUS, INDIANA

Members Present: John DeLap president, Dave Bonnell, John Hatter, Shirley Todd, Jack Heaton, Patricia Zeigler, Steve Ruble and Page Gifford.

Members Absent: Gary Nienaber, Craig Hawes and Mike Thomasson.

Staff Present: Roger Hunt, Planning Director, Laura Thayer, Heather Pope, Tiffany Strait, Thom Weintraut, Alan Whitted, Deputy City Attorney, and Tom Finke, County Plan Commission Liaison.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Motion: Ms. Zeigler made a motion to approve the August 7, 2002 minutes. Ms. Todd seconded the motion and it passed unanimously.

OLD BUSINESS

PP-02-03, SHADOW CREEK FARMS, SECTION 3 PRELIMINARY SUBDIVISION, By Crossmann Communities Partnership, is a proposal to create 130 lots totaling 55.894 acres. The property is located near the southeast corner of the intersection of CR 200 South and CR 225 West, with frontages on the south side of 200 South and the east side of CR 225 West in Columbus Township.

PUDF-02-03, SHADOW CREEK FARMS, SECTION 3 FINAL PUD PLAN, A petition by Crossmann Communities Partnership to approve a detailed final Planned Unit Development for property totaling 55.894 acres. The property is located near the southeast corner of the intersection of CR 200 South and CR 225 West, with frontages on the south side of 200 South and the east side of CR 225 West.

SHADOW CREEK PHASING PLAN (revised), Plan submitted in fulfillment of condition #2 of Preliminary PUD Plan (PUD-99-2, approved November 16, 1999)

Mr. Hunt, Ms. Thayer and Ms. Strait presented the background information on this request as follows:

Ms. Thayer stated that the staff would recommend approval for the preliminary plat and request for modification to the Subdivision Control Ordinance with the following conditions: 1) any outstanding SRC, planning staff or Bartholomew County Surveyor's Office comments shall be resolved to planning staff satisfaction 2) petitioner shall resolve platting of 3-acre area in the northwest part of Section 3 as part of Section 3 review process, 3) any outstanding drainage issues shall be resolved with the City Engineer prior to final plat approval.

Ms. Thayer said that the staff would recommend approval for the Final PUD with the following conditions 1) the petitioner shall submit an application for a minor modification to the PUD ordinance relative to commitment # 16, 2) landscape issues relating to the PUD shall be resolved

as part of Plan Commission approval; or Plan Commission shall require resolution by the Landscape Review Committee.

The PUD rezoning for this development, a phased project, was approved by City Council on October 5, 1999. Previously, Plan Commission has approved Preliminary Plats and Final PUDs for Phases 1 & 2. Final Plats were recorded and construction is underway.

The current petitions, the Preliminary Plat and Final PUD for Phase 3, were filed for the July meeting. The plat was reviewed at the June SRC meeting, where several comments were made. The petitioner requested that both petitions be continued to the August meeting to allow time for revision of double frontage lots along Shadow Creek Boulevard. Staff asked the petitioner to return to the July SRC meeting to give the committee the opportunity to review changes to the plat. SRC comments from both meetings have or will be addressed.

The PUD rezoning for this development was approved with 31 commitments. Staff has reviewed the commitments that apply to the current petitions.

Lots in Section 3 include 12 double-frontage lots. Usually discouraged by ordinance, but allowable by Plan Commission approval, these 12 lots will be subject parcels for a new product, rear-load housing units. The garage will front onto one street, the front façade on the other street. In typical double-frontage lots, a landscape easement and screening is required. Commitment #16 addresses double frontage lots as they are traditionally proposed, not as Crossmann Communities has proposed for Section 3. In that commitment, Crossmann has committed to minimizing double frontage lots, "... through a combination of cul-de-sacs, buffers and open space integration. The Developer commits to provide design-related solutions including such measures. The Developer commits that such measures will include at the non-access side of a double-frontage lot, a building setback, right-of-way, or other buffer of at least ten feet greater than the rear yard setback for lots which do not have double frontage." The petitioner has requested a modification of this requirement (see attached letter of August 22, 2002). Staff has no objection to this request as long as landscape issues are resolved for these lots. It will also be necessary for the petitioner to apply for a minor modification for the PUD.

A 3-acre area, to be conveyed to the adjoining property owner (Conrad) as part of the commitments, is shown on the preliminary plat. This 3 acres will need to be platted as part of the Section 3 review process. It could be shown as a block under Crossmann ownership on the final plat; or it could be platted through the administrative subdivision process, provided that it was recorded prior to the Final Plat for Section 3 recordation.

A temporary access to the park is proposed between Lots 197 and 198. This would be a 20- foot right-of-way with parallel parking along one side. Lots abutting this temporary access will not be built upon until Phase 2 of the park is built, and permanent access to the park constructed elsewhere. This temporary access will be retained for a pedestrian route.

The existing temporary access to the development (Lake Stream Drive) is scheduled to be closed after the Parkview Drive entrance is constructed. The Parkview Drive entrance will serve as the construction entrance for Section 3. Condition 14 states that the location for the construction entrance for each phase must be acceptable to the Plan Commission. Access and construction entrances for future phases should be discussed with the Phasing Plan.

Commitment 15 requires the developer to coordinate construction traffic with the school corporation to avoid conflicts with pupil drop-off or pick-up. The planning department has received a letter from Crossmann stating that construction traffic is expected to be light and providing five contacts if the school corporation needs to report a problem. This letter was copied to Monica Coburn, BCSC Transportation Manager. Staff suggests that Crossmann identify one contact to

resolve problems. It would also be useful for Ms. Coburn to have a plan of the subdivision if needed to refer to in conversations with Crossmann representatives. Planning staff will contact Ms. Coburn and offer to assist in resolving conflicts, if any.

A landscape plan was included on the Final Detailed PUD. This plan appears to conform to the landscape plan proposed in the Preliminary PUD. The landscape plan does not address individual lots in a residential PUD, but public areas such as street entrances and buffering easements do need to show the landscaping upon which the developer initially agreed. The proposal for the double frontage lots calls for 1 tree per lot at the rear of the lot. Plan Commission may require more should they find this inadequate or ask the Landscape Review Committee to make recommendations. One suggestion might be to add another tree to the front of each lot, which faces Shadow Creek Boulevard and the lake.

Mr. Hunt presented the background information on the phasing plan as follows:

As a part of the original Shadow Creek PUD rezoning, the owners were required to submit a phasing plan for Plan Commission approval. A phasing plan was submitted and approved at the July 2000 Plan Commission meeting.

Because of changing marketing conditions new product lines, and additional information on how best to develop the property, the petitioners would like to alter this phasing plan. Although there are differences, the plan currently under consideration does not differ substantially from the original plan.

The staff identified issues as follows: (1) street names need to conform to earlier plans; (2) Drainage Board needs the option to review changes, and (3) improvement to CR 200 S and other nearby roads.

On the last point the planning and engineering staff would like to allow more time for the various entities to comprehensively assess and coordinate the street improvements needed in this area. Crossmann representatives should be part of those discussions, as will city planning city engineering, City Parks & Rec. Department, Bartholomew County Highway Department, Bartholomew Consolidated School Corp., and INDOT. At present, the staff recommends that we defer the highway-improvements element of the phasing plan until the November meeting.

Judy Weerts Hall, Jim VanNess and Bill Bryant represented the petitioners. Ms. Hall introduced staff from Crossmann that was in the audience, Sherri Spiker Cowan and Jim Smith.

Ms. Hall presented exhibits for each request that is before the commission. She stated that the plat contains approximately 56 acres and proposes 130 lots. She said that double frontage lots had been proposed which is something new for Crossman. She stated the home would front on Shadow Creek Blvd. That is a collector and the garages will be in the rear.

Ms. Hall stated that a letter had been submitted for a modification to not require a Type A buffer for the double frontage lots in Section 3 of Shadow Creek. She stated that the minor modification would be filed if the commission approves this request.

Ms. Hall stated that for the landscaping for these lots, there is one tree proposed at the back of each lot. She also said they would be willing to commit to the planting of an additional tree and six shrubs per lot.

There is a three-acre parcel committed to be conveyed to Mr. Conrad. She stated they would follow staff's recommendation that it be included as a separate block as part of the plat.

Ms. Hall stated they are averaging 5 sales per month and they project that February 2003 the 75% goal for Section 2 will be completed. Specific figures are available upon request from Crossmann.

Ms. Hall passed out a booklet that shows the homes that are proposed for Phase 3, which also shows the various homes for the different size lots in the development.

Ms. Hall stated that the phasing plan had been reduced from eleven to ten. No more than 150 building permits may be obtained in a year's time. She also stated that the street naming issue would also be addressed.

Ms. Zeigler asked the width of Shadow Creek Road and would parking be allowed on that street. Ms. Hall said there would be no parking allowed.

Mr. Gifford asks if the double frontage issue would be proposed in the next phasing plans. Ms. Hall stated that they did not know since it was a new concept that is being introduced. Ms. Zeigler asked whether Crossman had a standard landscape plan and Ms. Hall stated there was none.

Mr. DeLap opened the meeting to the public.

Mary and Darryl Carson expressed concerns about the water standing on their property and if Crossmann would be interested in purchasing their property. Crossmann representatives agreed to meet with them after the meeting to discuss this complaint.

Mr. DeLap closed the public meeting.

Motion: PP-02-3, SHADOW CREEK FARMS, SECTION 3 PRELIMINARY SUBDIVISION, Mr. Gifford made a motion to approve this request with staff comments and Mr. Bonnell seconded the motion and it carried with a vote of 7-1 with Mr. Heaton abstaining due to late arrival.

Motion: PUDF-02-3, SHADOW CREEK FARMS, SECTION 3 FINAL PUD PLAN, Ms. Zeigler made a motion to approve this request with staff comments and recommendations Mr. Gifford seconded the motion and it carried with a vote of 7-0 with Mr. Heaton abstaining.

Motion: SHADOW CREEK PHASING PLAN (revised), Mr. Bonnell made a motion to approve this request with staff comments. Ms. Zeigler seconded the motion and it carried with a vote of 7-1 with Mr. Heaton abstaining.

MP-02-12, PALMER MINOR SUBDIVISION, By Dawn Palmer, is a proposal to create 3 lots and an ag remainder totaling 37.84 acres. The property is located on the northeast corner of intersection of CR 300 South and CR 475 West in Harrison Township.

Ms. Strait presented information on this request as follows:

Lot 2A and the agricultural remainder will gain access from CR 475 West. Lot 2B is restricted to placing the drive directly across from an existing drive on CR 300 South. Lot 2C will gain access from CR 300 South nearest to the eastern boundary line.

The petitioned property is partially located in the 100-year flood zone.

No more than 2 residential lots shall be permitted to be subdivided from any parent tract over any period of time. The parent tract remainder shall contain at least 10 acres for each lot subdivided under this section.

This property received a variance from the Columbus Board of Zoning Appeals in June, 2002. The

variance allowed three lots, instead of two, to be created, along with the required ten-acre ag remainder.

Two issues warrant discussion and/or action by the plan commission, relief from sidewalk requirement and clearing in the right-of-way.

The petitioner is requesting a modification for sidewalk relief. This property is in the city's 2-mile jurisdiction, and as with most properties there, there are no sidewalks nearby. Staff has no objection to granting this modification.

The second issue that bears discussion is trees located in the right-of-way. The petitioner's surveyor was asked to contact the county highway department to get their recommendation. Both the city and county engineer offices have agreed that clearing the right-of-way for sight distance is necessary along the entire frontage of both CR 475 West and CR 300 South.

Provided that all comments are adequately addressed, staff has no objection to this subdivision.

Staff also has no objection to the modification request for relief of sidewalks.

Rik Sanders of E.R. Gray and Associates and Dawn Palmer represented the petitioners.

Mr. Sanders discussed the removal of the trees along the right of way. He said it was his understanding that the trees would be removed where the drives would be located coming onto the road and the site distances cleared back a certain distance so that a vehicle coming out of the drive would be able to see traffic coming both ways. Mr. Sanders stated his client had no problem clearing the right of way off the drives, but that clearing of the right of way for the total property would be excessive. There is 35 feet of right of way that would be dedicated on 300 S and 25 feet of right of way on 475 W.

Mr. DeLap opened the meeting to the public.

Mr. Don Schmidt, a neighbor to this property, stated there was a water problem with drainage. He also expressed concern about getting city water to this site.

Mr. Sanders said that he had a letter from Southwestern Bartholomew Water that will be running a water line to this subdivision.

Mr. Sanders stated that in the development of the lots the drainage would be taken into consideration.

Mr. DeLap stated that clearing a 25-foot area down every county road would not lead one to having a pleasurable driving experience driving in Bartholomew County.

Mr. DeLap closed the public hearing.

Motion: Ms. Zeigler made a motion to approve this request with staff comments and recommendations. These recommendations included clearing only the visibility triangle with the right of way for each drive and the intersection of CR 300 S and CR 475 West and relief from sidewalks. Mr. Heaton seconded the motion and it carried with a vote of 8-0.

MP-02-13, RAINTREE WEST MINOR SUBDIVISION, By Rick Johnson, is a proposal to create 2 lots and an ag remainder totaling 18.24 acres. The property is located approximately 400 feet west of the intersection of Harrison Court and Tulip Drive in Harrison Township.

Mr. DeLap recused himself from hearing this request due to a conflict of interest.

Mr. Gifford acted as chairperson.

Ms. Strait presented the background information on this request as follows:

Access to Lot 1 will be gained by an existing drive off of Raintree Drive West. Lot 2 and the ag remainder will gain access from an access easement also off of Raintree Drive West.

AG, Agricultural District, is designated for agricultural uses and is intended to protect rural areas from urban encroachment until such areas are adaptable to orderly urban expansion. Residential development is limited and is not intended as a large-lot residential zone. Minimum lot size is 1 acre with 150 feet width. No more than 2 residential lots shall be permitted to be subdivided from any parent tract over any period of time. The parent tract remainder shall contain at least 10 acres for each lot subdivided under this section.

There are three issues that bear discussion and/or require action by the Plan Commission: 1) sewer/septic system; 2) clearing in the right-of-way and 3) modification for lack of sidewalks.

This petition was filed with the intention that these lots would be served by septic systems. Two septic sites were found for lot 2 and a conditional septic permit was issued for lot 1, where the house is located. However, at a later date, staff was told that Lot 1 is currently hooked up to the Harrison Lake Sewer System, a privately controlled system, and staff has received confirmation of this from the surveyor. Staff has also requested that the surveyor inquire about potential hook up for Lot 2. Since the sewer system is private and staff cannot require hook up for Lot 2, it is requested that hook up for Lot 2, if possible, be considered instead of installing a septic system.

The second issue is clearing of trees in right-of-way. Along Lot 1 and ag remainder frontages, there are several trees within the right-of-way. The county highway department has asked that all trees within the right-of-way be removed.

The last issue is the request for modification from the sidewalk requirement. Since this property is located in the 2-mile jurisdiction, it is not uncommon that sidewalks have not been built nearby. Staff does not object to this request.

E.R. Gray of E.R. Gray & Associates represented the petitioners.

Mr. Gray stated that there were three separate issues that were involved. He stated that two of them had been addressed. Staff is in agreement with modification of sidewalks and the issue of hooking up to sanitary sewer. The petitioner is requesting that at the time a driveway permit is issued for Lot 2 they would install a driveway to meet the sight line requirements that the county has in place. They asked that the remainder of the trees be allowed to stay.

Mr. Gifford opened the meeting to public.

Mr. John Walker an adjoining property owner expressed concern about the trees being removed from the property along the access route and excess drainage on their property.

Mr. Gray said that any fill on the property they would have to take into account natural drainage on the property. Mr. Gray stated that the petitioner was also very sensitive about removing unnecessary trees.

Discussion was held regarding removing trees from this area.

Mr. Gifford closed the meeting to the public.

Motion: Mr. Bonnell made a motion to approve this request with staff recommendations, and clearing only the visibility triangle within the right of way for each drive. Also the request for modification for relief of the sidewalk requirement would be approved. Ms. Todd seconded this motion and it carried with a vote of 7-1 with Mr. DeLap abstaining.

NEW BUSINESS REQUIRING COMMISSION ACTION

Mr. DeLap resumed the chair.

SU-02-07 SECOND BAPTIST CHURCH SPECIAL USE REZONING AND SITE PLAN

REVIEW: A petition by Designs by Daugherty Inc on behalf of Second Baptist Church to rezone a property of approximately 20 x120 foot lot, located at 1318 9th Street, from R-6 (Multifamily Residential) to SU-1 and to modify the site plan for Second Baptist Church located at 1328 9th Street.

Ms. Thayer presented the background information on this case as follows:

The church initiated a project in 2000 to add to the building and redesign the parking lot. Rezoning to SU-1, and a special use site plan were approved by Plan Commission and City Council at that time. The congregation owns a small lot adjacent to the west of the church property. An administrative subdivision application was submitted to the planning department to vacate the lot line between the two properties. The current petition is a request to rezone the small lot and approve a new site plan for the entire property.

The City Engineer has reviewed site circulation and found it to be acceptable, considering the typical limited use of a church parking lot. The entrance off 9th Street should be designated one-way. There is currently landscaping in the visibility triangle that may need to be removed. The number of parking spaces is currently only minimally adequate. The additional five spaces proposed, as part of this petition will improve this situation. Street parking also supplements parking, as discussed at the time of the original rezoning.

A landscape plan was previously approved for the property. The lot that will be added is adjacent to a residential lot. Staff recommends that a narrow hedge or low wall be installed along the entire west boundary of the property (excluding the alley).

A drainage plan for the property was approved by City Engineering staff as part of the original rezoning. A drainage plan that includes the new area will be completed after the existing house on the property is removed. Staff recommends that drainage issues be resolved before the issuance of a Zoning Compliance Certificate.

The rezoning is not a major change for the area and poses no problems. Staff recommends approval.

Mr. Mark Daugherty of Designs by Daugherty represented the petitioners.

He stated that they have no issues with any of the staff recommendations. He said they would prefer the hedge instead of the low wall to the west property line of the new lot. He said they would replace the dead tree. He stated the drainage plan would be done as soon as the house is down. This would be given to the City Engineer for approval.

Mr. DeLap opened the meeting to the public.

There was no one speaking for or against this request.

Mr. DeLap closed the public meeting.

Motion: Mr. Heaton made a motion to approve this request with staff comments. Mr. Gifford seconded the motion and it carried with a vote of 8-0.

PUD-02-07: LITTLE CREEK PLANNED UNIT DEVELOPMENT (REVISED)- A petition by Robert Monroe to rezone approximately 5.2 acres, located at 4420 Jonathan Moore Pike, from PUD (Planned Unit Development) to Planned Unit Development with revised development plans, to allow for development of proposed Phase I for future phases under (Highway Business) uses and standards, along with parking, landscaping and other associated infrastructure.

Mr. Hunt presented the background information on this request as follows;

In 1979, the subject property was rezoned from B-1 to PUD, to allow development of an office/commercial complex in multiple sections. Subsequently, two phases received planning approval. The property has been occupied by several business uses. However, this property has been involved in legal disputes over the past dozen years or so. Currently, the city is party to litigation concerning zoning compliance questions; there are suits among private property owners in the PUD as well.

This rezoning, if approved, would allow the city and the developer to "restart the clock." The PUD chapter in the Zoning Ordinance has been rewritten since 1979, and material conditions on the site have changed. For example, about ten years ago INDOT acquired considerable square footage along the SR 46 frontage to widen the highway. A new PUD would in effect erase most if not all of the currently outstanding zoning compliance issues. The rezoning would not exempt the owner from PUD requirements; rather, it would allow the parties a time frame and a clear-cut process to follow, in order to meet those requirements.

In the planning staff's judgment, the city, the property holders and the public will benefit from the rezoning, provided there are no unintended consequences. Preliminary analysis by planning staff indicates that the petitioned rezoning will accomplish the above goals. However, since there is litigation pending, we would like to confirm that there are no unintended legal side effects if the rezoning proceeds. The two deputy city attorneys involved, Alan Whetted and Eric Hayes, will provide input in this regard. To allow time for counsel, staff would recommend the Plan Commission continue the petition until the October meeting. This will also allow city engineering an opportunity to review and comment on any preliminary PUD issues arising from the request.

For the above reasons, staff recommends that the Plan Commission vote to continue the petitioned Little Creek PUD rezoning until the next scheduled Plan Commission meeting.

Mr. Bob Monroe represented himself as petitioner.

Mr. Monroe stated that the State had taken property from the front of the PUD. He stated that was his main reason for requesting the revised PUD.

Mr. Hunt confirmed that when SR 46 was widened the property was altered through their acquisition.

Mr. DeLap opened the meeting to the public

Mr. James Seibert stated that he was one of the minority owners of this property. He also introduced Ray Stidd the other owner. He said they were opposed to any change in this property. He said there was a history of this property that was pitiful. He stated he bought into the property in 1980. He said the property is covered under B-1 and there is nothing appropriate that would allow for B-2, B-3, B-4 or B-5 zoning. He said Mr. Monroe had not contacted them to let them know he was going to attempt this rezoning. He questioned the Board's authority in being able to change the zoning as long as this property was in a lawsuit and has been for nine years. He stated the widening in his opinion had no bearing the how the property should be zoned. He stated the continuing lawsuits on this property were joined by the city in 1996 naming himself and Dr. Stidd on the lawsuit along with Mr. Monroe. That suit is still pending. He again stated this property should not be changed to a different zoning and should stay that way because it is the appropriate zoning for this property. He said he had exhausted all means in trying to settle this before taking this case to the courts. He said the property has been in violation of different codes for many years. He stated there had been only one meeting with Mr. Monroe outside of court appearances to discuss what has gone on with this property. He stated they had won the case in 1999. He also said they may have to go back to court on some legal issues with the same case that was won. He stated he was asking the Board not to delay this request but to deny it all together and keep the zoning as it is now.

Mr. Ray Stidd who owns part of the property stated this was an embarrassment to him ever since he had owned it. He stated his medical practice at one time was located there, but had since moved. He stated he had been contacted by a realtor to rent a space, but due to existing conditions of the parking lot and building it could not be rented. He also stated that he was opposed to any changes of any kind at this property at this time.

- Mr. DeLap closed the public hearing.
- Mr. Gifford asked if the zoning or rezoning was a matter of litigation in any of the lawsuits.
- Mr. Seibert said the lawsuits were a matter of the property and the complete development. and also the manner in which it has been maintained under the documents he had in his possession. Also there were numerous violations that have occurred there with the restrictions and convents of the property.
- Mr. Bonnell asked how the property was zoned at the present.
- Mr. Hunt stated that it was PUD with B-1 as specified in the PUD ordinance.
- Ms. Zeigler asked why the B-4 was proposed.
- Mr. Hunt said that Mr. Monroe stated he thought B-4 would be more compatible to the site for different uses.
- Mr. Monroe stated that the court of appeals threw the lawsuit out and sent it back. After the state took the property out front, the minority owners proceeded to take property out of Phases 1, 2, 3 and made a parking lot on the property which didn't belong to them. He stated that was why the lawsuit was filed.
- Mr. DeLap reopened the public hearing.
- Mr. Seibert stated they did not take land from Mr. Monroe. The parking that was installed was ordered by the court in Franklin in an emergency hearing. There was no place for parking and the parking was installed for that reason. Mr. Seibert stated that the City sued Mr. Monroe for various violations and later named Mr. Seibert and Mr. Stidd in the suit.
- Mr. DeLap closed the public hearing.

Motion: Mr. Gifford made a motion to accept staff recommendations and continue this request to the October meeting with the caveat that it may be continued again. Mr. Heaton seconded the motion and it carried with a vote of 8-0.

RZ-02-05 KENNETH HENNSLEY REZOING: A petition by Kenneth Hennsley to rezone 5 .4 acres, located at 3295 Carr Hill Road, from AG (Agricultural) to R-2 (Single Family Residential.

MP-02-15, HENNSLEY MINOR SUBDIVISION, By Kenneth Hennsley, is a proposal to create 2 lots totaling 5.4 acres. The property is located on the southwest corner of the intersection of Carr Hill Road and I-65, more specifically 3295 Carr Hill Road, Columbus.

Ms. Strait presented this request as follows;

This property is within the city's extraterritorial jurisdiction, and is currently zoned AG, which means among other things that all subdivided lots must be one acre or more in size. Mr. Hennsley would like to subdivide the property into two lots in order to create an additional building lot. Under AG zoning, he has enough land to create the lots, but not enough to leave the required 10-acre agricultural remainder. A variance to eliminate the 10-acre remainder requirement would take care of the situation; however, that would require additional time, fees and meetings. Additionally, the AG zoning district is not intended as a single-family residential district.

Given the fact that this area is predominantly residential and contiguous to residential zoning (R-1 on the east), staff advised the petitioners that rezoning to R-1 or R-2 would eliminate the AG zoning district's 10-acre requirement (and subsequently a variance) and would also give the petitioners more options in the future. Columbus City Utilities are available to serve the property, which meets the requirements in the Columbus Zoning Ordinance.

Access to both lots will be gained by Carr Hill Road. Lot 2 will be served by an existing drive. The addition of one new building lot should not present a problem. Access issues have been addressed and approved by the city engineer during subdivision review.

Drainage would not be a concern in the case of one new standard-size house in this area.

Rik Sanders of E.R. Gray and Associates and Kenneth Hennsley represented the petitioners.

Mr. Sanders said that they had worked closely with the planning department on this subdivision and thought this proposal was a good fit for the neighborhood.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the public meeting.

RZ-02-05 KENNETH HENNSLEY REZONING; Motion: Mr. Bonnell made a motion to approve this request with staff recommendations. Ms. Zeigler seconded the motion and it carried with a vote of 8-0.

MP-02-15, HENNSLEY MINOR SUBDIVISION; Motion: Ms. Zeigler made a motion to approve this request with staff recommendations. Mr. Bonnell seconded the motion and it carried with a vote of 8-0

MP-02-11, REPLAT OF LOT 25 ROST'S SECOND ADDITION: By Tom North, is a proposal to

create 2 lots totaling 0.71 acres. The property is located on the east side of Sycamore Drive, directly east of the intersection of Sycamore Drive with Volland Drive in Columbus Township.

Ms. Pope presented the background information on this request as follows:

This subdivision is straightforward and does not appear to be problematic at all. However, one issue that needs plan commission approval is a modification for lack of sidewalks along the frontages of both lots. This property is located in the city's jurisdiction, and when this area and the surrounding area were developed no sidewalks were installed. The city and the property owner and his representatives are discussing the possibility of a right-of-way exchange that would smooth out a jagged edge where Sycamore Drive bends slightly to the west, along this property's frontage. Pending the outcome of this discussion it would be wise to defer any sidewalk installation. The City and the owner will have another opportunity to consider the sidewalk issue if the right-of-way exchange is completed.

Staff has no objection to this subdivision provided that all staff comments are adequately addressed and that a modification is granted for lack of sidewalks along the frontages of both lots. Also staff has no objection to the request for modification for relief of sidewalks.

Mr. Perry Cloyd of Midwest Surveying and Mapping represented the petitioner.

He stated that had prepared the subdivision within the ordinance. The petitioner has asked for relief from the sidewalk modification as there are no sidewalks in the area. This addition was developed in 1944.

Mr. DeLap opened the meeting to the public.

Pam Clark an adjoining property owner stated that she had a number of letters from homeowners in the neighborhood and a couple of pictures. She stated her primary concern was the property currently located at this location prior to Mr. North's purchasing was immaculately maintained. After ownership was obtained by Mr. North the disrepair and ill kept yard became a major problem as this was turned into a rental property. Property has been vacant for long periods of time and the grass not mowed in a timely manner. City garage had to be contacted numerous time for this purpose until he was forced to mow the grass. This is the second property he owns on Sycamore Drive, both of which are in the same condition. She said in the past the tenants had asked for rides across town and current tenants have asked to use her water supply from the outside.

Mr. Greg Weisner also an adjoining property owner expressed that he is opposed to the development of this request. He also had the same concerns that Ms. Clark had expressed before the commission.

Ms. Clark said if Mr. North was providing proper care to these homes there would be no objections to this request and this was a great concern to the neighborhood.

Mr. DeLap stated that this is a subdivision ordinance issue that is before the Board. By law there are stipulations that are set forth that must be met. According to staff all of those have been met. Mr. DeLap stated that he fully appreciated the personal issues with the neighbors and upkeep with property. Unfortunately it is not always possible for the plan commission to take such issues into consideration when making a decision. He stated there are methods that people can seek to address these issues.

Mr. Heaton suggested that they call Jim Norris direct at the City Garage in regards to the mowing of the properties. Also Ms. Zeigler suggested Code Enforcement also be contacted. Mr. Whitted

stated to ask for Frank Butler who handles these cases daily in that office and also Chief Code Enforcement Officer Dave Zellner. Then if the issues are not resolved it goes to Mr. Whitted.

Mr. DeLap stated that he had received 5 additional letters of opposition to this request. They are Rhonda and Richie King, Gloria and William Humphries, Pam and Robert Clark, Josh Pruitt and David and Joan Pruitt. All are opposing the subdivision of the property due to upkeep.

Ms. Zeigler asked if they had a recourse to ask the petitioner to come before the board to address these concerns before a vote was taken.

Mr. DeLap stated that the request could be tabled to the next meeting and to ask for the petitioner to actually be present at the October meeting.

Motion: Ms. Zeigler made a motion to continue this request to the next meeting and ask the petitioner to be present. Mr. Heaton second the motion and it carried with a vote of 8-0.

C/RZ-02-06 LARRY CALHOUN REZONING: A petition initiated by the Columbus Plan Commission to impose city AG (Agricultural) zoning on a 1.91 acre area formerly in Bartholomew County planning jurisdiction, part of Lot 1A of Larry Calhoun Minor Subdivision located on the east side of 500 West between SR 46 and Georgetown Road in Harrison Township.

Ms. Thayer presented the background information on this request.

A minor subdivision for this property was previously approved by Plan Commission. During that process, it was noted that a small part of the northernmost lot was in Bartholomew County planning jurisdiction, while the remainder of the subdivision was in City of Columbus planning jurisdiction. Staff recommended that the County relinquish its jurisdiction, that the City accept jurisdiction, and that the property be zoned to conform to the remainder of the subdivision, which is zoned AG. The first two parts of the process have been accomplished, and all that remains is to impose city zoning on the property.

There is currently a single-family house on the lot in question, which is 5.64 acres in size. The small area proposed for zoning is contained within a utility easement.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Bonnell made a motion to approve this request along with staff comments. Ms. Zeigler seconded the motion and it carried with a vote of 8-0.

REPORTS & RECOMMENDATIONS

Ms. Thayer stated she had been working with K.K. Gerhart Fritz in setting up the Plan Commission Training. At this time the first session is set for September 10, 2002

ADJOURNMENT: 6:15 P.M.